

**To:** Masterflex SE ([trademarks@novakdruce.com](mailto:trademarks@novakdruce.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 85787307 - AMPIUS - 33820-00001

**Sent:** 11/21/2014 11:44:18 AM

**Sent As:** ECOM117@USPTO.GOV

**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

<p><b>U.S. APPLICATION SERIAL NO.</b> 85787307</p> <p><b>MARK:</b> AMPIUS</p>	<p><b>*85787307*</b></p>
<p><b>CORRESPONDENT ADDRESS:</b>  JENNIFER FRASER  NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP  PO BOX 2207  WILMINGTON, DE 19899-2207</p>	<p><b>CLICK HERE TO RESPOND TO THIS I</b>  <a href="http://www.uspto.gov/trademarks/teas/response">http://www.uspto.gov/trademarks/teas/response</a>    <a href="#">VIEW YOUR APPLICATION FILE</a></p>
<p><b>APPLICANT:</b> Masterflex SE</p>	
<p><b>CORRESPONDENT'S REFERENCE/DOCKET NO :</b>  33820-00001    <b>CORRESPONDENT E-MAIL ADDRESS:</b>  trademarks@novakdruce.com</p>	

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 11/21/2014**

**THIS IS A FINAL ACTION.**

## INTRODUCTION

This Office action is in response to applicant's communication filed on November 17, 2014.

In a previous Office action dated May 16, 2014, the trademark examining attorney required the applicant to satisfy the following requirement: amend the identification of goods.

On November 17, 2014, the applicant responded and amended the identification of goods. Unfortunately, many of the goods remain indefinite and overbroad. As a result, the trademark examining attorney maintains and now makes FINAL the requirement in the summary of issues below. *See* 37 C.F.R. §2.64(a); TMEP §714.04.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- Identification of Goods – Partial Requirement

### **Partial Abandonment Notice**

If the applicant does not respond to this Office action within the six-month period for response, then the following goods **will be deleted** from the application:

Class 10: Surgical apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Medical apparatus and instruments in the field of anesthesiology, angiography,

biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Dental apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Veterinary apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Angioplasty systems for medical or therapeutic use; Reproduction tubes for the storage and transfer of follicles;

Class 17: Flexible heated pipes, essentially not of metal; Stopping material for use as a barrier as well as a protection from diffusion of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics; coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for use in buildings, construction, transportation and general industrial and medical applications

Class 19: Non-metallic building materials of rubber, namely, panels, beams, girders, joists, props, frameworks, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely, non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely panels, beams, girders, joists, props, frameworks, posts, laths, masts, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; non-metallic building materials of synthetic rubber, namely panels, beams, girders, joists, props, frameworks, posts, laths, masts, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; Synthetic rubber and plastics, namely, molds for use as construction elements for storage or transportation of gas, liquids or solid

The application will then proceed forward for the following goods **only**:

Class 10: Tubes for medical and tubes for veterinary purposes, namely, drainage tubes for the transport of fluids for medical purposes, drainage tubes for the transport of liquids for medical purposes, drainage tubes for the transport of air for medical purposes, transportation tubes for the transport of fluids, transportation tubes for the transport of liquids, transportation tubes for the transport of air, tubes for use in medical control systems, breathing hoses, tubes for use in gas-sample-lines, transportation tubing for use in transport of contrast agent, application tubing for use in application of contrast agent, urethral catheters, cannulas, tubing for use with cannulas, tubes for use in infusion pump segments, storage tubes for use in storage systems; Blood infusion bags sold empty; Plasma infusion bags sold empty; Medicine infusion bags, nutrition bags for use in artificial nutrition sold empty; Pressure tubes to transport or inject under-pressure fluids for medical purposes; Pressure tubes to transport or inject under-pressure liquids for medical purposes; Pressure tubes to transport or inject under-pressure air for medical purposes; pressure tubes to pass under-pressure fluids for medical purposes, pressure tubes to pass under-pressure liquids for medical purposes, pressure tubes to pass under-pressure air for medical purposes; pressure tubes for use in angiographic interventions; Pressure tubes for use as a patient line, namely, tubes for extension line for angiographic applications;

vascular tubes for use in vascular surgery; cardiac tubes for use in cardiac surgery; visceral tubes for use in visceral surgery; laparoscopic tubes for use in laparoscopic surgery; high frequency tubes for use in high frequency surgery; tubes for use in medical devices for vascular applications; tubes for use in medical devices for cardiac applications; tubes for use in medical devices for visceral applications; tubes for use in medical devices for high frequency applications; tubing for use with multilumen catheter for acute dialysis; tubing for use as multilumen tube as central venous catheter; blood filling tubing sets for blood infusion; plasma filling tubing sets for plasma infusion; blood filling tubing sets for blood bag systems; plasma filling tubing sets for plasma bag systems; filling tubes based on a single-layer design made of PVC for use in blood bags; filling tubes based on a multilayer-design made of thermoplastic elastomers and thermoplastics for use in infusion bags; filling tubes based on a multilayer design made of thermoplastic elastomers and thermoplastics for use in nutrition bags; endoscopic equipment in the nature of working channels tubing; protective equipment in the nature of tubes for use in endoscopy surgery; Protective equipment in the nature of tubes for use in parenteral nutrition; Protective equipment for use as needle cap made of thermoplastic elastomers or thermoplastics for medical purposes; tubes made of thermoplastics or thermoplastic elastomers as protective accessories for cannulas, trocars and guidewires; Protective equipment for guide wires based on tubes made of polyolefins, thermoplastic elastomers or thermoplastics for medical purposes; Covering tubes for use in protection of hollow injection needles; covering tubes for use in protection of canula, covering tubes for use in protection of trocars, laparoscopy tubes, coloscopy tubes, working channel tubes for use in coloscopic interventions, hydraulic tubes for use in coloscopic interventions, intravenous feeding tubes, Stomach feeding tubes for use in parenteral nutrition; hemodialysis apparatus in the nature of measuring lines for controlling an ongoing therapy, pump tubes for use in pump segments, pump tubes for use in pump infusion lines, gravity tubes for use in infusion lines, patient line for dialysis applications, blood filling tubes for blood infusion bags, plasma filling tubes for plasma infusion bags, medicine filling tubes for medicine infusion bags, tubes for transfusion of medicine, angioplasty tubes, balloon dilatation tubes for use in balloon dilatation, drug delivery tubes for use in drug delivery, tubes for respiratory masks for use with respiration systems, tubes for hearing aids and ear molds, tubes for a gentle removal of follicles used in connection with follicle- aspiration sets, embryo transfer tubes, tubes for the storage of follicles, cannulae, drainage tubes for medical purposes, urethral tubes for use as stents in urology, urethral tubes for use as catheters in urology pusher tubes for use in urology, deconnector tubes for use in nephrology; drainage tubes for medical purposes; Surgical tubes for surgical apparatus; Surgical tubes for surgical instruments; Medical tubes for medical apparatus; Medical tubes for medical instruments; dental tubes for dental apparatus; dental tubes for dental instruments; veterinary tubes for veterinary apparatus; veterinary tubes for veterinary instruments, namely, anesthesiology tubes, angiography tubes, biotechnology tubes, surgery tubes, dialysis tubes, drainage tubes, endoscopy tubes for the usage in endoscopic applications as inner-catheter, outer-catheter, work-channel and protective tubes; intravenous feeding tubes for use in total parenteral nutrition; hemodialysis tubes; infusion tubes for use in infusion of blood; infusion tubes for use in infusion of plasma; infusion tubes for use in infusion of medicine; cardiology tubes; laboratory tubes for use in laboratory systems; analysis tubes for use in analysis systems; oncology tubes; ophthalmology tubes; pediatrics tubes; pharmacy tubes; pneumology tubes; prosthesis tubes namely, sound tubes, guide and protective tubes for use in hearing aids; radiology tubes; Nutrition, hemodialysis, infusion, cardiology, laboratory and analysis systems, oncology, ophthalmology, pediatrics, pharmacy, pneumology, prosthesis, radiology, reproduction medicine, thermal isolation, urology, surgical, medical, dental and veterinary apparatus and instruments, namely, apparatus and instruments for storage of fluids, liquids or gas, apparatus and instruments for transportation of fluids, liquids or gas ,

apparatus and instruments for transportation of solid waste; Infusion systems for blood; Infusion systems for plasma; Infusion systems for medicine; Plasma bag systems for plasma delivery; liquor drainage systems; hemodialysis pump segments; Balloon dilatation systems for medical or therapeutic use; Drug delivery systems for medical or therapeutic use; Respirations systems for medical or therapeutic use; Embryo transfer systems for medical or therapeutic use; Hollow injection and puncture needles; trocars; veterinary tubes for veterinary instruments, namely, storage tubes, transportation tubes for transport of fluids; transportation tubes for transport of liquids; transportation tubes for transport of gas; transportation tubes for transport of solid material; blood infusion tubes for use in blood infusion systems; plasma infusion tubes for use in plasma infusion system; medicine infusion tubes for use in medicine infusion systems; tubes for use in plasma bag systems; drainage tubes for use in liquor drainage systems; hemodialysis tubes for use in hemodialysis pump segments; angioplasty tubes for use in angioplasty systems; balloon dilatation tubes for use in balloon dilatation systems; transportation tubes for use in drug delivery systems; breathing hoses for use in respirations systems; aspiration tubes for use in follicle-aspirations sets; embryo transfer tubes systems for use in embryo transfer tubes system

Class 17: Flexible plastic and rubber tubes and pipes; junctions, connections, and couplings, not of metal, for tubes; plastics in extruded form for use in manufacture; packing and insulating materials; Non-metal flexible pipes connections, namely, seals, flanges, sockets and cuffs; Reinforcing materials, not of metal, for pipes

Class 19: Non-metal junctions and couplings for flexible pipes; Protective sealing coatings sold as an integral component of granite and stone for use as construction elements for storage or transportation of gas, liquids or solids; Non-metallic building materials, namely, air dispersion ducts for heating, air dispersion ducts for ventilating; Air dispersion ducts for air conditioning, parts and accessories therefore, namely insulating sleeves, non-metallic junctions, connections, and couplings; Non-metallic rigid pipes for building and construction purposes

37 C.F.R. §2.65(a).

## IDENTIFICATION OF GOODS

The wording “Surgical apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral” in the identification of goods in Class 10 is indefinite and must be clarified because the applicant must specify that the goods are for use in those fields, and also how the goods are used for parenteral. For example, for use in total parenteral feeding. *See* TMEP §1402.01.

The wording “Medical apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral” in the identification of goods

in Class 10 is indefinite and must be clarified because the applicant must specify that the goods are for use in those fields, and also how the goods are used for parenteral. For example, for use in total parenteral feeding. *See* TMEP §1402.01.

The wording “Dental apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral” in the identification of goods in Class 10 is indefinite and must be clarified because the applicant must specify that the goods are for use in those fields, and also how the goods are used for parenteral. For example, for use in total parenteral feeding. *See* TMEP §1402.01.

The wording “Veterinary apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral” in the identification of goods in Class 10 is indefinite and must be clarified because the applicant must specify that the goods are for use in those fields, and also how the goods are used for parenteral. For example, for use in total parenteral feeding. *See* TMEP §1402.01.

The word “angioplasty systems for medical or therapeutic use” in the identification of goods is indefinite and must be amended to (1) list the primary parts or components of the system and (2) describe the nature, purpose, or use of the system. TMEP §1401.05(d). Applicant should use common generic terms to specify the parts or components of the system. *See* TMEP §§1402.01, 1402.03(a). Applicant should also classify the system in the same international class as its primary parts or components. TMEP §1401.05(d). While it is clear that the goods have something to do with angioplasties, it is not clear what.

The wording “Reproduction tubes for the storage and transfer of follicles” in the identification of goods in Class 10 is indefinite and must be clarified because the applicant must specify the type of follicles, such as ovarian follicles. *See* TMEP §1402.01.

The wording “flexible heated pipes, essentially not of metal” in the identification of goods in Class 17 is indefinite and must be clarified because the applicant must specify that the goods are either metal (which are properly classified in Class 6) or non-metal (which are properly classified in Class 17). *See* TMEP §1402.01.

The wording “Stopping material for use as a barrier as well as a protection from diffusion of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics” in the identification of goods in Class 17 is indefinite and must be clarified because the applicant must specify the use in a more particular manner. The function of the goods remains unclear. *See* TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

The wording “coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for use in buildings, construction, transportation and general

industrial and medical applications” in the identification of goods in Class 17 is indefinite and overbroad, must be clarified because it may include goods in multiple international classes. *See* TMEP §1402.01. Protective coatings for pipes, buildings and other goods are properly classified in Class 2, rubber coatings for use in the manufacture of industrial products is properly classified in Class 17, whereas sealer coatings sold as an integral component of specific Class 19 goods, such as non-metal tiles, are properly classified in Class 19.

The wording “non metallic . . . props” in the identification of goods in Class 19 is indefinite and must be clarified because the applicant must specify the use in a more particular manner, for example, building support props. *See* TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

The wording “non-metallic . . . frameworks” in the identification of goods in Class 19 is indefinite and must be clarified because the applicant must specify the use in a more particular manner, for example, window frames. *See* TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

The wording “non-metallic . . . coverings” in the identification of goods in Class 19 is indefinite and must be clarified because the applicant must specify the type of coverings, for example, ceiling or roof coverings. *See* TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

The wording “non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely, non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely panels, beams, girders, joists, props, frameworks, posts, laths, masts, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles” in the identification of goods in Class 19 is duplicative because it contains the identical wording “non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber” twice. The applicant should delete the duplicative wording. *See* TMEP §707.02.

Applicant has classified “nonmetal . . . poles” in International Class 19; however, the proper classification is International Class 20. Therefore, applicant must either (1) add International Class 20 to the application and reclassify these goods in the proper international class, or (2) delete the wording “poles” from the application. *See* 37 C.F.R. §§2.86, 6.1; TMEP §§1403 *et seq.* If applicant adds one or more international classes to the application, applicant must comply with the multiple-class requirements specified in this Office action.

The wording “Synthetic rubber and plastics, namely, molds for use as construction elements for storage or transportation of gas, liquids or solid” in the identification of goods in Class 19 is indefinite and must be

clarified because the applicant must specify what the molds form, such as a mold for forming cement posts.

*See* TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

Applicant may adopt the following identification, if accurate (examining attorney's suggestions in **bold font**):

Class 2:       **Protective coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for {specify particular goods that the coatings go on, such as pipes, concrete, floors, ceilings, etc.}**

Class 10:       Tubes for medical and tubes for veterinary purposes, namely, drainage tubes for the transport of fluids for medical purposes, drainage tubes for the transport of liquids for medical purposes, drainage tubes for the transport of air for medical purposes, transportation tubes for the transport of fluids, transportation tubes for the transport of liquids, transportation tubes for the transport of air, tubes for use in medical control systems, breathing hoses, tubes for use in gas-sample-lines, transportation tubing for use in transport of contrast agent, application tubing for use in application of contrast agent, urethral catheters, cannulas, tubing for use with cannulas, tubes for use in infusion pump segments, storage tubes for use in storage systems; Blood infusion bags sold empty; Plasma infusion bags sold empty; Medicine infusion bags, nutrition bags for use in artificial nutrition sold empty; Pressure tubes to transport or inject under-pressure fluids for medical purposes; Pressure tubes to transport or inject under-pressure liquids for medical purposes; Pressure tubes to transport or inject under-pressure air for medical purposes; pressure tubes to pass under-pressure fluids for medical purposes, pressure tubes to pass under-pressure liquids for medical purposes, pressure tubes to pass under-pressure air for medical purposes; pressure tubes for use in angiographic interventions; Pressure tubes for use as a patient line, namely, tubes for extension line for angiographic applications; vascular tubes for use in vascular surgery; cardiac tubes for use in cardiac surgery; visceral tubes for use in visceral surgery; laparoscopic tubes for use in laparoscopic surgery; high frequency tubes for use in high frequency surgery; tubes for use in medical devices for vascular applications; tubes for use in medical devices for cardiac applications; tubes for use in medical devices for visceral applications; tubes for use in medical devices for high frequency applications; tubing for use with multilumen catheter for acute dialysis; tubing for use as multilumen tube as central venous catheter; blood filling tubing sets for blood infusion; plasma filling tubing sets for plasma infusion; blood filling tubing sets for blood bag systems; plasma filling tubing sets for plasma bag systems; filling tubes based on a single-layer design made of PVC for use in blood bags; filling tubes based on a multilayer-design made of thermoplastic elastomers and thermoplastics for use in infusion bags; filling tubes based on a multilayer design made of thermoplastic elastomers and thermoplastics for use in nutrition bags; endoscopic equipment in the nature of working channels tubing; protective equipment in the nature of tubes for use in endoscopy surgery; Protective equipment in the nature of tubes for use in parenteral nutrition; Protective equipment for use as needle cap made of thermoplastic elastomers or thermoplastics for medical purposes; tubes made of thermoplastics or thermoplastic elastomers as protective



accessories for cannulas, trocars and guidewires; Protective equipment for guide wires based on tubes made of polyolefins, thermoplastic elastomers or thermoplastics for medical purposes; Covering tubes for use in protection of hollow injection needles; covering tubes for use in protection of canula, covering tubes for use in protection of trocars, laparoscopy tubes, coloscopy tubes, working channel tubes for use in coloscopic interventions, hydraulic tubes for use in coloscopic interventions, intravenous feeding tubes, Stomach feeding tubes for use in parenteral nutrition; hemodialysis apparatus in the nature of measuring lines for controlling an ongoing therapy, pump tubes for use in pump segments, pump tubes for use in pump infusion lines, gravity tubes for use in infusion lines, patient line for dialysis applications, blood filling tubes for blood infusion bags, plasma filling tubes for plasma infusion bags, medicine filling tubes for medicine infusion bags, tubes for transfusion of medicine, angioplasty tubes, balloon dilatation tubes for use in balloon dilatation, drug delivery tubes for use in drug delivery, tubes for respiratory masks for use with respiration systems, tubes for hearing aids and ear molds, tubes for a gentle removal of follicles used in connection with follicle- aspiration sets, embryo transfer tubes, tubes for the storage of follicles, cannulae, drainage tubes for medical purposes, urethral tubes for use as stents in urology, urethral tubes for use as catheters in urology pusher tubes for use in urology, deconnector tubes for use in nephrology; drainage tubes for medical purposes; Surgical tubes for surgical apparatus; Surgical tubes for surgical instruments; Medical tubes for medical apparatus; Medical tubes for medical instruments; dental tubes for dental apparatus; dental tubes for dental instruments; veterinary tubes for veterinary apparatus; veterinary tubes for veterinary instruments, namely, anesthesiology tubes, angiography tubes, biotechnology tubes, surgery tubes, dialysis tubes, drainage tubes, endoscopy tubes for the usage in endoscopic applications as inner-catheter, outer-catheter, work-channel and protective tubes; intravenous feeding tubes for use in total parenteral nutrition; hemodialysis tubes; infusion tubes for use in infusion of blood; infusion tubes for use in infusion of plasma; infusion tubes for use in infusion of medicine; cardiology tubes; laboratory tubes for use in laboratory systems; analysis tubes for use in analysis systems; oncology tubes; ophthalmology tubes; pediatrics tubes; pharmacy tubes; pneumology tubes; prosthesis tubes namely, sound tubes, guide and protective tubes for use in hearing aids; radiology tubes; **Surgical apparatus and instruments for use in the fields of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and also for total parenteral feeding; Medical apparatus and instruments for use in the fields of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and also for total parenteral feeding; Dental apparatus and instruments for use in the fields of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and also for total parenteral feeding; Veterinary apparatus and instruments for use in the fields of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and also for total parenteral feeding;** Nutrition, hemodialysis, infusion, cardiology, laboratory and analysis systems, oncology, ophthalmology, pediatrics, pharmacy, pneumology, prosthesis, radiology, reproduction medicine, thermal isolation, urology, surgical, medical, dental and veterinary apparatus and instruments, namely, apparatus and instruments for storage of fluids, liquids or gas, apparatus and instruments for transportation of fluids, liquids or gas , apparatus and instruments for transportation of solid waste; Infusion systems for blood; Infusion systems for plasma; Infusion systems for medicine; Plasma bag systems for plasma delivery; liquor drainage systems; hemodialysis pump segments; **Angioplasty systems for medical or therapeutic use for {use in angioplasty surgery, for use in stent delivery, etc.}; Balloon dilatation systems for medical or therapeutic use;** Drug delivery systems for medical or therapeutic use; Respirations systems for medical or therapeutic use; **Reproduction tubes for the storage and transfer of ovarian follicles;** Embryo transfer systems for medical or therapeutic use; Hollow injection and puncture needles; trocars; veterinary tubes for

veterinary instruments, namely, storage tubes, transportation tubes for transport of fluids; transportation tubes for transport of liquids; transportation tubes for transport of gas; transportation tubes for transport of solid material; blood infusion tubes for use in blood infusion systems; plasma infusion tubes for use in plasma infusion system; medicine infusion tubes for use in medicine infusion systems; tubes for use in plasma bag systems; drainage tubes for use in liquor drainage systems; hemodialysis tubes for use in hemodialysis pump segments; angioplasty tubes for use in angioplasty systems; balloon dilatation tubes for use in balloon dilatation systems; transportation tubes for use in drug delivery systems; breathing hoses for use in respirations systems; aspiration tubes for use in follicle-aspirations sets; embryo transfer tubes systems for use in embryo transfer tubes system

Class 17: **Non-metal flexible heated pipes;** Flexible plastic and rubber tubes and pipes; junctions, connections, and couplings, not of metal, for tubes; plastics in extruded form for use in manufacture; packing and insulating materials; Non-metal flexible pipes connections, namely, seals, flanges, sockets and cuffs; Reinforcing materials, not of metal, for pipes; **Coatings made of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics coatings for use in the manufacture of industrial products for buildings, construction, transportation and general industrial and medical applications;** Stopping material for use as a barrier as well as a protection from diffusion of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics; coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for use in buildings, construction, transportation and general industrial and medical applications, namely, {specify common commercial name}

Class 19: Non-metal junctions and couplings for flexible pipes; **Non-metallic building materials of rubber, namely, panels, beams, girders, joists, building support props, {specify type of framework, e.g., window frames}, posts, laths, masts, wall claddings, facings, cladding, {specify type of coverings, e.g., roof coverings, ceiling coverings, etc.}, reinforcing materials, drain pipes, floor tiles and wall tiles;** Non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely panels, beams, girders, joists, building support props, {specify type of framework, e.g., window frames}, posts, laths, masts, wall claddings, facings, cladding, specify type of coverings, e.g., roof coverings, ceiling coverings, etc.}, reinforcing materials, drain pipes, floor tiles and wall tiles; Non-metallic building materials of synthetic rubber, namely panels, beams, girders, joists, building support props, {specify type of framework, e.g., window frames}, posts, laths, masts, wall claddings, facings, cladding, {specify type of coverings, e.g., roof coverings, ceiling coverings, etc.}, reinforcing materials, drain pipes, floor tiles and wall tiles; Synthetic rubber and plastics, namely, molds for forming {specify type of mold, e.g., cement posts, wall panels, etc.} for use as construction elements for storage or transportation of gas, liquids or solid; Protective sealing coatings sold as an integral component of granite and stone for use as construction elements for storage or transportation of gas, liquids or solids; Non-metallic building materials, namely, air dispersion ducts for heating, air dispersion ducts for ventilating; Air dispersion ducts for air conditioning, parts and accessories therefore, namely insulating sleeves, non-metallic junctions, connections, and couplings; Non-metallic rigid pipes for

building and construction purposes; **Sealer coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for use, sold as an integral part of {specify particular goods, e.g., non-metal tiles}**

Class 20:      **Non-metal poles**

See TMEP §§1402.01, 1402.03.

An applicant may only amend an identification to clarify or limit the goods, but not to add to or broaden the scope of the goods. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

## MULTIPLE – CLASS APPLICATION REQUIREMENTS

The application identifies goods in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Sections 1(b) and 44:

- (1)      **List the goods by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2)      **Submit a filing fee for each international class** not covered by the fees already paid (view the USPTO's current fee schedule at [http://www.uspto.gov/trademarks/tm\\_fee\\_info.jsp](http://www.uspto.gov/trademarks/tm_fee_info.jsp)). The application identifies goods that are classified in at least four classes; however, applicant submitted a fee sufficient for only three classes. Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.32(a)(6)-(7), 2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Sections 1(b) and 44 multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/multiclass.jsp>.

## **Response Options**

The stated refusal refers to the following goods and does not bar registration for the other goods:

Class 10: Surgical apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Medical apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Dental apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Veterinary apparatus and instruments in the field of anesthesiology, angiography, biotechnology, surgery, dialysis, drainage, endoscopy, and total parenteral; Angioplasty systems for medical or therapeutic use; Reproduction tubes for the storage and transfer of follicles;

Class 17: Flexible heated pipes, essentially not of metal; Stopping material for use as a barrier as well as a protection from diffusion of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics; coatings of rubber, synthetic rubber, plastics or composite substance mainly composed of rubber, synthetic rubber and plastics for use in buildings, construction, transportation and general industrial and medical applications

Class 19: Non-metallic building materials of rubber, namely, panels, beams, girders, joists, props, frameworks, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely, non-metallic building materials of plastics and non-metallic building materials of composite substance mainly composed of rubber, namely panels, beams, girders, joists, props, frameworks, posts, laths, masts, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; non-metallic building materials of synthetic rubber, namely panels, beams, girders, joists, props, frameworks, posts, laths, masts, poles, wall claddings, facings, cladding, coverings, reinforcing materials, drain pipes, floor tiles and wall tiles; Synthetic rubber and plastics, namely, molds for use as construction elements for storage or transportation of gas, liquids or solid

The applicant may respond to the stated refusal by submitting evidence and arguments against the refusal. Additionally, the applicant may respond by doing one of the following:

- (1) amending or deleting the goods to which the refusal pertains;
- (2) filing a request to divide out the goods that have not been refused registration, so that the mark may be published for opposition for those goods or services to which the refusal does not pertain. *See generally* TMEP §§1110 *et seq.* and 1403.03 (regarding the requirements for filing a request to divide); or
- (3) amending the basis for the goods identified in the refusal, if appropriate. (The basis cannot be changed for applications filed under Trademark Act Section 66(a). TMEP §1904.01(a).)

### **Responding to a Final Office Action**

If the applicant fails to respond to this final action within six months of the mailing date, the application will be partially abandoned as described above. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). The applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18) and 2.64(a); TBMP Chapter 1200; TMEP §714.04. In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b), TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/Jillian R. Cantor/

Examining Attorney

Law Office 117

(571) 272-6564

Jillian.Cantor@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Masterflex SE ([trademarks@novakdruce.com](mailto:trademarks@novakdruce.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85787307 - AMPIUS - 33820-00001  
**Sent:** 11/21/2014 11:44:19 AM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **11/21/2014** FOR U.S. APPLICATION SERIAL NO. 85787307

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **11/21/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

## **WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).